

## IAB - ISBA Guidelines on the Payment for Editorial Content to Promote Brands within Social Media

### Q&A

**Q. Why are the IAB and ISBA publishing these guidelines?**

A. The guidelines – developed by the IAB’s Social Media Council [www.iabuk.net/en/1/socialmedialanding.html](http://www.iabuk.net/en/1/socialmedialanding.html) - aim to provide brand owners and marketing practitioners with clear guidance about the paid promotion of brands, services or products via ‘editorial content’ in social media (e.g. in a blog). It specifically offers some practical steps for brand owners and marketing practitioners to follow (e.g. the use of ‘#ad’ in the content of a promoted tweet on Twitter). The guidelines are supported by ISBA – the Voice of British Advertisers.

**Q. Why are the IAB and ISBA publishing these guidelines now and why are they important?**

A. Several recent high profile breaches of the law make this guidance essential to uphold the integrity of a growing social media environment. The IAB’s and ISBA’s goal is to provide brand owners and marketing practitioners with clear guidance to help comply with the law.

**Q. Why is this necessary? Isn’t there a law?**

A. The Consumer Protection from Unfair Trading Regulations 2008 (CPRs) – enforced by the Office of Fair Trading (OFT) - specifically prohibit *“using editorial content in the media to promote a product where a trader has paid for the promotion without making it clear in the content or by images or sounds clearly identifiable by the consumer.”* However, in a fast changing environment such as social media, it is important to provide brand owners and marketing practitioners with practical and easy-to-implement ways to help comply with the law.

**Q. Hasn’t an ‘#ad’ in Twitter already been recommended by the Federal Trade Commission (FTC) in the USA?**

A. The FTC revised its Endorsement Guidelines in June 2010. However, it did not prescribe a particular disclosure notice on Twitter (or any other social media platform) but suggested that hashtags could be a good way to be transparent in a 140 character medium. The IAB and ISBA agree and suggest that ‘#ad’ be the one that brand owners and marketing practitioners encourage so that there is consistency and recognition for consumers.

**Q. How will the guidelines be enforced? What happens if they are not followed?**

A. It is important to recognise that these are only guidelines and will evolve as the social media environment changes. It is not the IAB's nor ISBA's role to enforce the guidelines or the law. The CPRs are enforced by the OFT and these are suggested practical ways to comply. However, the guidelines will need to be regularly reviewed to ensure they maintain pace with technology and evolving commercial practices.

**Q. Doesn't the CAP Code, policed by the Advertising Standards Authority (ASA), cover this already?**

A. No. Two criteria are required for this type of communication to fall under the CAP Code:

1. *Editorial control.* The brand owner / marketing practitioner must have editorial control over the marketing communication. For example: if a marketer retweets a user's comment about its product it has control over that message.
2. *Payment.* There must be a commercial arrangement in place. For example: a brand owner / marketing practitioner may have a commercial contract with a celebrity to promote its product.

It is not enough for a brand owner / marketing practitioner to pay someone to promote a product in social media 'editorial content' for the marketing communication to fall within the remit of the CAP Code. However, if the brand owner / marketing practitioner supplies that person with specific content then the Code will apply. The CPRs apply as soon as payment is involved. For further information specifically on this matter please contact the CAP Policy Team [www.cap.org.uk](http://www.cap.org.uk).

However, the guidelines do recommend that the 'marketing communication' content follows the principles of the CAP Code.

**Q. What about this type of activity on a publisher's own website? Is this covered?**

A. A publisher has editorial control over the content and activity on its own website(s). This would therefore be covered by the CAP Code.

**Q. What about 'blogger outreach'?**

A. The CPRs only cover scenarios where a brand owner or marketing practitioner has paid for a promotion. If a blogger writes about a brand, product or service as a result of anything other than payment (eg through attending an event or being loaned a product to review), then no disclosure is required under UK law (and neither are 'nofollow' attributes on links in the blogger's post).

**Q. Who supports the guidelines?**

A. The guidelines have been developed by the IAB's Social Media Council and are supported by ISBA, the Voice of British Advertisers. [www.isba.org.uk](http://www.isba.org.uk). In addition to ISBA, the IAB has also held discussions with the OFT and the Committee for Advertising Practice (CAP) Secretariat and their help and feedback has been invaluable. The IAB and ISBA acknowledge that there are many different stakeholders in this area and are happy and willing to collaborate with those that wish to evolve these guidelines as the market changes. In doing so we will offer brand owners and marketing practitioners the best possible practical steps to take and provide consumers with the transparency they expect.

**Q. Won't these guidelines be out of date very quickly?**

A. The guiding principles should be applied. However they include practical examples of good practice (for today's market) and the practice of social media moves very quickly. It is therefore important that they evolve with the market to ensure they remain transparent. The IAB Social Media Council will work to ensure that this happens.

**Q. Where can I find out more information or get further advice?**

A. The IAB can provide further details and / or advice on the practical guidance. However, this is not a substitute for robust legal advice. An OFT guide on the CPRs is available at [www.of.gov.uk/shared\\_of/business\\_leaflets/cpregs/oft1008.pdf%20](http://www.of.gov.uk/shared_of/business_leaflets/cpregs/oft1008.pdf%20).

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